

REMARKS

Petition for Extension of Time Under 37 CFR 1.136(a)

It is hereby requested that the term to respond to the Examiner's Action of May 14, 2008 be extended three months, from August 14, 2008 to November 14, 2008.

The Commissioner is hereby authorized to charge the extension fee (an additional \$620 beyond the \$490 paid on October 14, 2008) to Deposit Account No. 50-4364 and any additional fees associated with this communication to Deposit Account No. 09-0457.

In the Office Action, the Examiner indicated that claims 1 through 24 are pending in the application and the Examiner rejected all claims.

Claim Rejections, 35 U.S.C. §103

On page 2 of the Office Action, the Examiner rejected claims 1-24 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,141,007 to Lebling et al. and anticipated by U.S. Patent No. 5,977,973 to Sobeski.

The Present Invention

The present invention teaches a user interface mechanism that introduces a concept referred to as a "non-overlapping workspace". In a preferred embodiment, a system user can switch between a traditional overlapping workspace (where multiple windows literally overlap) to a non-overlapping workspace depending upon how the user wishes to move and manage objects or windows in the

workspace. A user first selects to enter non-overlapping mode in the workspace. Next, a user moves a selected object to relocate it within the work area and if its border touches another object while moving in a particular direction, the selected object pushes (rather than overlaps) the other object in the same direction. Claim 1 specifically recites these steps as follows: “configuring said GUI into a non-overlapping workspace; situating at least two of said objects in said non-overlapping workspace; and pushing a second of said objects in said non-overlapping workspace when a first of said objects comes in contact with said second of said objects while being moved.” Applicant notes that the size of the objects is unaffected by the pushing of one object with another.

U.S. Patent No. 6,141,007 to Lebling et al.

U.S. Patent No. 6,141,007 to Lebling et al. (“Lebling”) teaches a graphical user interface for displaying a workspace including non-overlapping, cooperating panels. A first of the panels displays a queue of news stories from a selected data file. A second panel displays the text of a news story selected from the queue. The workspace is displayed in a main application window on a display screen of a computer system that is coupled to a network. The first and second panels may share a common moveable border. A third panel may also be displayed that includes a directory tree of data files from which the selected data file is selected.

U.S. Patent No. 5,977,973 to Sobeski

U.S. Patent No. 5,977,973 to Sobeski (“Sobeski”) teaches a concept referred to as “window linking”. As described in Column 4, lines 21-64, Sobeski, the window linking process involves the selection of one window by clicking and holding the mouse button while the cursor is on the window. This displays a “ghost” of the selected window, and if the ghost is moved over another window, and then the user releases the mouse button, an “aggregate” window is created, which comprises one window subsumed by the other window, with a title bar indicating the fact that the window appearing on the screen is an aggregate window.

The Examiner Has Not Established a Prima Facie Case of Obviousness

KSR (*KSR International Co. v. Teleflex Inc.*, 127 S. Ct. 1727, 82 USPQ2d 1385 (2007)) requires that an Examiner provide “some articulated reasoning with some rationale underpinning to support the legal conclusion of obviousness.” Further, an Examiner must “identify a reason that would have prompted a person of ordinary skill in the relevant field to combine the elements in the way the claimed new invention does,” In addition, the Examiner must make “explicit” this rationale of “the apparent reason to combine the known elements in the fashion claimed,” including a detailed explanation of “the effects of demands known to the design community or present in the marketplace” and “the background knowledge possessed by a person having ordinary skill in the art.”

The Examiner has not met these requirements. The Examiner acknowledges that Lebling does not teach or suggest the pushing of one window by another. However, the Examiner asserts that Sobeski, at column 4, lines 21-64, does teach pushing of one window by another, and that it would be obvious to combine Lebling and Sobeski to achieve the claimed invention. Applicant respectfully traverses this rejection.

As noted above, Sobeski contains no teaching of pushing one window with another when moving windows in a non-overlapping mode. Rather, Sobeski teaches the formation of an aggregate window, where one window essentially is subsumed by the other window when a manipulation is performed. Nothing in Sobeski even remotely suggests a pushing action whereby moving one window in such a manner where its edge meets the edge of a second window causes the second window to be pushed. In fact, Lebling and Sobeski are both silent on the idea of pushing a panel with another panel. This is specifically claimed herein, and is neither taught nor suggested by Lebling or Sobeski, either alone or in combination. All of the claims include these elements.

Without a teaching of all the claimed limitations of the present invention, Lebling and Sobeski cannot be said to render obvious the present invention. Accordingly, each of the independent claims (Claims 1, 9 and 17), and all claims depending therefrom, patentably define as novel over Lebling and Sobeski and are in condition for allowance.

Conclusion

The present invention is not taught or suggested by the prior art. Accordingly, the Examiner is respectfully requested to reconsider and withdraw the rejection of the claims. An early Notice of Allowance is earnestly solicited.

The Commissioner is hereby authorized to charge the extension fee to Deposit Account No. 50-4364 and any additional fees associated with this communication to Deposit Account No. 09-0461.

Respectfully submitted,

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Date

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